Madurai Dist. Vol. 8950
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MADURAI DISTRICT
VOLUME NO.8950.

மதுரை

மதுரை மாவட்ட ஆட்சியர் அலுவலகம்

தொகுதி எண் : 8950

பொது எண் : 30080

செப்பனிடுபவர் பெயர் : N. பெருமாள்

செப்பனிடுவதற்காக எடுத்துக்-
கொள்ளப்பட்ட நாள் : 2004

செப்பனிட்டு முடிக்க நாள் : 2004

சரிபார்க்கும் முதல் மு.பா.எ. கையொப்பம்	சரிபார்க்கும் இரண்டாம் மு.பா.எ. கையொப்பம்	இராயச்சி மதிப்பாளர் கையொப்பம்
25/8	3/05	30/5

Serial No.	Date	Name	Subject
			Extract from the Proceedings of the Subordinate Court of Madura February 1854 together with copy of one from the Civil Judge, with instructions to carry the Decree of the Subordinate Court of the 24th December 1853 into execution.
289		Captain W. H. Hosley Civil Engineer 8th Div.	Giving certain instructions regarding [illegible] new tanks by private individuals and stating that no new tank should be commenced without the previous inspection and examination of the work by some member of the Engineer Department.
1578		Captain W. H. Hosley Engineer.	Returning certain [illegible] connected with the [illegible]

R

No. 43 of 1854

Extract from the Proceedings of the Subordinate Court dated the 16th February 1854.-

Read Extract from the Proceedings of the Civil Court dated the 30th January last, confirming the Order issued by the Subordinate Judge for the issue of a Precept, in execution of the Decree in A.S. No. 20 of 1848 on the file of the late Zillah Court, requiring the Collector of Madura in virtue of the Decree therein, to place Veera Pandiyan Ummal, daughter and heiress of Paupuri Ummal the deceased Respondent, in possession of the Zemindary of Vaisuchanaickenoor (against which the Government Vakeel appeals) and directing that any party or parties dissatisfied with the Judgment, have no other course, but to bring a Regular Suit for setting aside the Apparent title which Veeracaumoo Ummalo possesses.-

Read also M. P. No. 101 of 1854 presented by Annasastry Vakeel on behalf of the said Veeracaumoo Ummal stating that the Petition presented by the Government Vakeel on behalf of the Collector, has been dismissed by the Civil Judge, and the Order of the Subordinate Judge confirmed; and requesting that the Collector of Madura may be directed to carry the Precept, issued by this Court, into immediate execution.-

Ordered that Extract from these Proceedings be forwarded to the Collector, together with Copy of one from the Civil Judge above alluded to, with instructions to carry the

the Precept of this Court dated the 24th December
1853 into Execution -

True Extract

W. Pickett

As Subordinate Judge

To

The Collector
of Madura

Madura Sub Court
6th March 1854

Recd

R. J. Johnson
Peon

Copy of Govt. Order 26 June 1854

Extract from the Proceedings of the Civil Court of Madura dated 30th January 1854 -

Read M. S. No. 681 of 1853 presented by Sooba Rao Government Pleader, and appealing against the order made by the Sub. Judge for the issue of a Precept, in execution of the Decree in Appeal Suit No. 20 of 1838 on the file of the late Zillah Court requiring the Collector in virtue of the Decree therein, to place Veeracaumoo Ammal daughter & heiress of Paupammal Respondent deceased, in possession of the Zemindary of Erasuckaiwickenoor.

Read also M. P. No. 6 of 1854 presented by the Vakeel Annasamy on behalf of the said Veeracaumoo Ammal praying that the above Petition may be dismissed, and the order of the Sub. Judge confirmed -

The Civil Judge is of opinion that the Sub. Judge has proceeded rightly in the execution of the Decree in question - its terms are "the Appellant Chinnammal, who is the sole surviving widow of the late Zemindar of Erasuckaiwickenoor, shall remain in full possession of all her husband's Zemindary, and immovable property - which after death, the other deceased widow's only daughter Veeracaumoo Ammal is to be the sole heiress" -

Any party or parties dissatisfied with this Judgment should have appealed at the time, or if not in a position to appeal, have brought an Action for setting aside the title so declared in Veeracaumoo Ammal, as injurious to them; in this latter course, the Civil Judge concurs is the only

only one now open to the Government - Decreasamos
annual, has, in her opinion, an apparent title under
the Decree, which can only be set aside by a Decree
in a regular Suit, brought to try its validity -

The Civil Judge therefore resolves to dis-
miss the Petition No. 682 of 1853 and to confirm the
order of the Sub: Judge appealed against -

Ordered that extract of these Proceed-
ings be furnished to the Sub Judge for his infor-
mation and guidance, and that Copy be furnished
to the parties on application -

True Extract
(signed) L. R. Baynes
Civil Judge

(True Copy)

A W Phillips

Ag Subordinate Judge

Ent

R. Johnson
Asst

Copy Sent to Bd with letter

No. 289

Copy Sent to Bd. Call with an Extract in Nagaloot 31 Oct. 1854

From

Captain H. H. Hensley
Civil Engineer 8th Div.

To

R. D. Parker Esq.
Collector of Madura.

Sir,

With reference to your letter No. 933 dated 25th Instant, forwarding for my perusal the accompanying 2 Extracts from the Proceedings of the Board of Revenue dated 20th July and 14th September 1854 respectively, and annexing copy of a Notice issued by you on the subject therein treated of, I have the honor to inform you, that the necessary instructions have been sent to the 2nd Assistant Civil Engineer and Surveyor attached to this Division as requested by you.

herewith returned.

At the same time, I beg to call your attention to what appears to me to be a discrepancy between the terms of your notice and the instructions of the Board

as contained in the above Extracts.—

It is evident from the 3rd para of the Extract from Min. of Consultation under date the 20th June 1852, that the Government had in view the inspection and approval of Tanks constructed by individuals at their private expense after their completion, and the Board of Revenue, with reference to the above para, state that they will accord the exemption only in cases where the Tanks have been examined and approved of by the Civil Engineer or one of his subordinates. The notice, on the contrary, states that individuals will be permitted to construct Tanks (capable of cultivating more than 10 Canonies) "provided that the proposed Tank be first approved of by the Civil Engineer, or one of his Subordinates, and the permission of the Collector be obtained." By the former, examination by this Department is required after completion; by the latter, before commencement.

It is my opinion that, to prevent disputes and injury to other peoples property, there should be an examination by

some member of this Department both before the commencement and after the completion of any such new Tank.

I do not know how it may be in the North Arcot District, but I feel perfectly satisfied that there are very few localities in either Madura or Tinnevelly where a New Tank, either large or small, can be constructed on Poonjah-land without cutting off the drainage which now falls into some tank or Gendul, and that any attempt to take advantage of the permission accorded by the Government in the above Extract will be the subject of complaint by the party or parties whose use enjoy the said drainage — And further, that if such a thing were permitted, the result would be, that land, which now pays Runjah tax, would be thrown out of cultivation to the loss of the present holders, and to the detriment of the Government revenue.

In the course of my service in this Division several complaints of this na-

instances have been brought to my notice by the Collectors, and I have always given it as my opinion that no new tank could be formed immediately above an old one, so as to cut off the supply which from time immemorial the latter has enjoyed, even though the tank to be constructed was within the holding of the individual proposing to construct it at his private expense. A case in point in the Ramgherry Talook occurs to me at the present time, and may be within your recollection also, where an individual belonging, I think, to the Coimbatoor District, constructed a tank on his own land situated within the limits of that District, and thereby cut off a stream which had previously supplied a tank in the Ramgherry Talook of Madura. Similar instances in Tinnevelly might be cited if necessary, but it must be clear to every one that a tank for purposes of irrigation is a very different thing from a well, and that the same rule

can-

cannot apply to both. The latter is sup-
plied by springs from below, the former
by local drainage, channels from rivers &c.
The sinking of a new well can injure
no one, the construction of a new
tank, large or small, may injure
numbers.

It is on this account that
I advocate the examination by
this Department of the locality
before the proposed tank is commenced, as
well as after its completion, and so im-
portant to the interest of Government
as well as of the Ryot do I consider the
right understanding of this matter, that
I would suggest, if you see no objection,
that the subject should be submitted to
the Board of Revenue for their further
consideration and orders.

I have the honor to be
Sir
Your Most Obedient Servant
E. W. Moseley Capt
Civil Engineer 8th Div

Civil Engineer's Office 8th Div
Kuddyam 29th September 1854

No. 1374
1854

From
The Civil Engineer
8th Division
29th September 1854

R

From

Lease, Filed to Cash Book Bill & answered with letter dt 18th Nov. 1854

Captain W. H. Horsley
Engineer

To

R. D. Parker Esqr.
Collector of Madura

Sir,

With reference to your letter No. 992, dated 12th Ultimo forwarding a Building Lease of the land on the Pulney Hills applied for by me under date the 29th November 1851, I have the honor to enclose a Bill of Exchange on your Treasury payable to you for the amount due by me on account of the Original price of the land, together with Quit Rent for fushlies 1262 and 63, viz. Rupees 87-4-8, and to request you will be so good as to furnish me with a receipt for the same.

The Counterpart of the Lease is herewith returned duly signed and attested by Witnesses.

With reference to para 3. of your letter as above, and to the description of the boundaries, as given in the Extract from a Memo of Sub Collector annexed thereto,

I beg to point out what appears to me an error either in the Sketch appended to the Lease, or in the description of the boundary. —

By a reference to the Sketch it will be seen that there are but 8 places for boundary stones to be set up by me, whereas the Sub Collector's Memo mentions 9 stones. Again, the distances mentioned in the Memo do not agree with those on the Sketch. I do not know what the length of the Chain referred to in the Memo may be, but measuring by the Scale on the Sketch, the distance from No. 2 to No. 3 Boundary stone is found to be 614 feet. This in the Memo is said to be 6 Chains, and from No. 5 to No. 6 stone is also said to be 6 Chains, whereas by the scale it measures 580 feet, or 66 feet more than the former distance. —

I request you will do me the favor to have these (apparently) errors rectified, and to return me the Sketch and Lease at your earliest convenience, in order that I may take the necessary steps to have the boundary stones fixed in their proper places. —

R

You will observe that one of the boundary Stones marked in the Sketch belongs to Mr. Clark, and has his initials on it. Excluding this, there are only 8 Stones shewn in the Sketch for me to set up.—

I should further be obliged if you would inform me what is the exact length of the Chain referred to in the Sub Collector's Memo.—

I have the honor to be

Sir

Your most Obedient Servt.

~~Geo. Bowie~~

Engineer

Ottawa

13th November 1854

Decr. 14th Do.

Copy Letter 18-9 Rem
with Letter 15 Dec. 1854

R

To Secured 5 Jan 1855

Madura 1st December 1854

R. D. Parker Esqrs
Collector of
Madura.

Sir,

I would have replied sooner to your letter of the 19th December 1853, but I have been in the ~~[illegible]~~ of ascertaining the precise measure of the small slip of ground I wish to have included in my compound at Koday Kanal. It was accidently omitted in the first plan, but, as I understand, has been inserted in another, since prepared by the Surveyor. You will therefore probably know the exact extent and will have the goodness to consider this as an application for the addition. There are a few trees upon it, but I was not aware, at the time ~~[illegible]~~ would be allowed to any individual, and as the piece in question is only a small strip intervening between my boundary, as originally marked out, and the public path, which forms a line so much more convenient, I would hope that the fact of the trees standing thereon will not be an objection.

2 I have already paid the 8 Years Government Ground Rent 318: 6 0 3 4 and also the Quit Rent for Fasli 1263. 8 4 5. a proportionate addition will have to be paid on the former account which I shall be prepared to discharge with the Quit rent now due, on receiving the lease which was once given me, but subsequently recalled.

Copy 16

I have the honor to be

Sir,

Your most Obedient Servant

C Wagner

10

Granted to Wm Byrnes
Lot 2 Sec 8 T 1 N R 3 W

END

VOLUME NO. 8950.